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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/589,291

06/04/2007

Tony N. Frudakis

DNA1180-2

7164

28213 7590 03/21/2011

DLA PIPER LLP (US)  
4365 EXECUTIVE DRIVE  
SUITE 1100  
SAN DIEGO, CA 92121-2133

EXAMINER

GOLDBERG, JEANINE ANNE

ART UNIT

PAPER NUMBER

1634

MAIL DATE

DELIVERY MODE

03/21/2011

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10589291	6/4/07	FRUDAKIS, TONY N.	DNA1180-2

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**EXAMINER**

JEANINE A. GOLDBERG

ART UNIT	PAPER
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1634	20110316
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DATE MAILED:

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**Commissioner for Patents**

The amendment filed on February 8, 2011 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention. In the interview of October 13, 2010, applicant proposed to switch inventions after final to a combination of all 35 SNPs. The examiner noted that this switch of inventions would raise new issues. In the RCE filed on October 22, 2010, applicants selected the combination of all SNPs in Table 2. In particular the Applicant stated that "Applicant has amended claim 1 to recite a method for inferring natural eye color of a human subject from a nucleic acid sample of the subject comprising identifying ... occurrences of the eye color related single nucleotide polymorphisms (SNPs) shown in Table 2..." The examiner telephoned applicant leaving a detailed message on November 1, 2010 to further discuss the claims, but no call was returned. The office action mailed on November 12, 2010 acknowledges this switch in inventions to the combination of all the SNPs shown in Table 2.

In the amendment filed February 8, 2011, applicants have selected only a subcombination of the SNPs from Table 2. This is another switch in invention from the elected invention.

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Jeanine Goldberg whose telephone number is (571) 272-0743. The examiner can normally be reached Monday-Friday from 7:00 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nguyen, can be reached on (571)272-0731.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

The Central Fax Number for official correspondence is (571) 273-8300.

**/Jeanine Goldberg/**

**Primary Examiner**

March 18, 2011